

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q87545

Toru SANO, et al.

Appln. No.: 10/532,978

Group Art Unit: 1753

Confirmation No.: 3025

Examiner: Not Yet Assigned

Filed: April 28, 2005

For: SEPARATION APPARATUS, METHOD OF FABRICATING THE SAME, AND ANALYTICAL SYSTEM

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.97 and 1.98**

MAIL STOP AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

1. Sano, Baba, Iguchi, Iida, Kawaura, Sakamoto, Preliminary Drafts of the 63rd Symposium of the Japan Society of Applied Physics, Japan, September 24, 2002, Volume Three, Page 1146 (25a-R-8).
2. United States Patent No. 6,027,623, issued February 22, 2000.
3. Japanese Patent Application Publication No. 9-504362, published April 28, 1997, with English Abstract (taken from corresponding publication of International Application No. PCT/US94/06215).

4. International Patent Application Publication No. 02/23180, published March 21, 2002, along with English Language Abstract.
5. Japanese Patent Application Publication No. 2002-310992, published October 23, 2002, along with English Language Abstract.
6. Japanese Patent Application Publication No. 2002-55098, published February 20, 2002, along with English Language Abstract.
7. Japanese Patent Application Publication No. 2-112755, published April 25, 1990, along with English Language Abstract.
8. Japanese Patent Application Publication No. 7-43344, published February 14, 1995, along with English Language Abstract.

One copy of each of the listed documents is submitted herewith, except for the above listed United State Patent.

The present Information Disclosure Statement is being filed: (1) No later than three months from the application's filing date; (2) Before the mailing date of the first Office Action on the merits (whichever is later); or (3) Before the mailing date of the first Office Action after filing a request for continued examination (RCE) under §1.114, and therefore, no Statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required.

The present Information Disclosure Statement is being filed thirty days or fewer from the communication from a foreign patent office and a Statement Under 37 C.F.R. §1.704(d) is attached.

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant encloses here with a copy of a corresponding Japanese Office Action dated September 4, 2007, and an English translation of the pertinent portions

thereof which cites such documents and indicates the degree of relevance found by the foreign office.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: October 3, 2007

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STATEMENT UNDER 37 C.F.R. § 1.704(d)

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P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned hereby states, upon information and belief:

That each item of information contained in the Information Disclosure Statement filed concurrently herewith was cited in a communication from a foreign patent office in a counterpart foreign application, and that the communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of said Information Disclosure Statement.

Respectfully submitted,

/Howard L. Bernstein/

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